

**HUBBARD & BIEDERMAN, L.L.P.**

ATTORNEYS AT LAW

*A Texas Registered Limited Liability Partnership*

1717 Main Street  
Suite 4700  
Dallas, Texas 75201

Telephone: 214-857-6000  
Facsimile: 214-857-6001  
[www.hblawfirm.com](http://www.hblawfirm.com)

June 21, 2006

**VIA CM/ECF SYSTEM**

The Honorable F. Dennis Saylor, IV  
Donohue Federal Building  
595 Main Street  
Worcester, MA 01608

Re: **Donald P. Speakman, Stephen H. Wedel and Mark L. Robare v. Allmerica Financial Life Ins. & Annuity Co., et al.; 4:04-cv-40077-FDS**

Dear Judge Saylor:

Today, we electronically filed the following documents:

1. Joint Motion for Preliminary Approval of Stipulation of Settlement And Entry of Hearing Order;
2. Plaintiffs' Memorandum In Support of Joint Motion for Preliminary Approval of Stipulation of Settlement And Entry of Hearing Order;
3. Plaintiffs' Unopposed Motion to File Second Amended Complaint, to which is attached the Second Amended Complaint;
4. [Proposed] Order Granting Plaintiffs' Unopposed Motion to File Second Amended Complaint;
5. Plaintiffs' Unopposed Motion for Class Certification for Settlement Purposes Only; and
6. [Proposed] Order Preliminarily Certifying a Class for Settlement Purposes Only, Appointing Lead Counsel for the Class, Directing Issuing of a Class Notice to the Class, and Scheduling a Fairness Hearing (Exhibit A to the Stipulation of Settlement). This version has the applicable dates filled in (e.g., deadline for

Honorable F. Dennis Saylor, IV  
Page 2  
June 21, 2006

---

objections, requests of exclusion etc.) based upon a Fairness Hearing of August 11, 2006, at 3:00 p.m. that Mr. Castle has preliminarily scheduled.

The parties have reached a class-wide settlement (“Proposed Settlement”) subject to your approval. In accordance with Fed. R. Civ. P. 23 (e), the parties are seeking the Court to (i) enter an Order granting Plaintiffs’ Unopposed Motion to File Second Amended Complaint that conforms the class definition to the one in the Stipulation of Settlement and Plaintiffs’ Unopposed Motion for Class Certification for Settlement Purposes Only; and (ii) enter the Order Preliminarily Certifying a Class for Settlement Purposes Only, Appointing Lead Counsel for the Class, Directing Issuing of A Class Notice to the Class, and Scheduling a Fairness Hearing.

The Order Preliminarily Certifying Class etc., is necessary in order to proceed with the Proposed Settlement in that it, among other things: (i) certifies a class for settlement purposes only, that is set forth in Plaintiffs’ Unopposed Motion for Class Certification for Settlement Purposes Only; (ii) directs sending a Notice to the Class informing them of the terms of the proposed settlement, and the applicable dates to object or opt-out and the final hearing for approval (“Fairness Hearing”); and (iii) sets the date for the final approval of the Proposed Settlement.

The Preliminary Order contains all the applicable dates (objections, request for exclusion etc.) except the date for the hearing on preliminary approval on page 2. The parties are available this week at the Court’s convenience to telephonically conduct such a hearing and respond to your question.

Respectfully submitted,

*/s/ Robert W. Biederman*

Robert W. Biederman

cc: Andrea J. Robinson, Esq.  
Jonathan A. Shapiro, Esq.  
Eric D. Levin, Esq.  
Brett R. Budzinski, Esq.